

REMARKS

Applicants respectfully request consideration of the subject application. This Response is submitted in response to the Office Action mailed December 18, 2007. Claims 1 and 2 are pending. In this Amendment, claim 1 has been amended, claims 4 and 17. No new matter has been added.

Applicants reserve all rights under the doctrine of equivalents.

35 U.S.C. § 103 Rejections

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Sonoda et al.** (JP 08-196269 A), **Okawa et al.** (JP 08-092114 A), **Chin, et al.** (JP 07-089863 A), and in view of **Shibata** ("Chemistry and Cancer Preventing Activities of Ginseng Saponins and Some Related Triterpenoid"). Applicants respectfully submit that the combination does not teach each and every element of claims 1 and 2.

Sonoda discloses a culture medium which contains naphthaleneacetic acid (NAA) in callus proliferation that carries out a boost of gibberlin. Gibberlin is a growth regulator. Moreover, NAA is a sublimatable plant hormone belonging to the auxin family and is used for vegetative plant propagation from stem and leaf cutting and plant tissue culture.

Okawa discloses producing saponin compounds obtained from undifferentiated culture cell of medicinal ginseng. Okawa does not disclose the use of the produced saponin compounds.

Chin discloses a method for isolating or purifying ginsenoside-Re. Chin further discloses that the drug resulting from the isolating or purifying is an antiarrhythmic drug.

Shibata discloses the cancer preventing activities of ginseng and saponins. Furthermore, Shibata discloses *Bifidobacterium* metabolizing ginsenoside Rb-1 and Rb-2 to compound K.

Claim 1 requires:

1. *A method of preparing a pharmaceutical composition comprising:*

treating ginseng (Panax ginseng or Panax quinquefolius) with an acid solution selected from the group consisting of acetic acid, citric acid, lactic acid, and acid from acid-containing food;

extracting an organic extract from the ginseng by utilizing an organic solvent;

subsequently fermenting the organic extract with lactic-acid bacteria

Bifidobacterium KK-1 and Bifidobacterium KK-2;

subsequently isolating a pharmacologically active fraction or saponin compound from the organic extract; and

subsequently drying the organic extract by lyophilization or spray drying, wherein the organic extract is subsequently used for preventing or treating a stroke. (Claim 1, as amended, emphasis added).

The Examiner admits that Sonoda and Okawa do not disclose lactic acid bacteria. Thus, neither Sonoda nor Okawa can disclose “subsequently fermenting

the organic extract with lactic-acid bacteria Bifidobacterium KK-1 and Bifidobacterium KK-2."

Instead, the Examiner relies on Chin to disclose lactic acid bacteria. The Examiner cites specific pages of Chin (as the primary reference) which is a Japanese publication; however, no translation copy has been provided by the Examiner. As best understood from the Japanese machine translation of Chin, Chin only shows a method for isolating or purifying ginsenoside-Re. Applicants respectfully request that the Examiner provide a translated copy of Chin to support the Examiner's interpretation of Chin.

Nevertheless, Applicants respectfully submits that there is no mention in the machine translated Chin of lactic acid bacteria as recognized by the Examiner. Therefore, Chin does not disclose "*subsequently fermenting the organic extract with lactic-acid bacteria Bifidobacterium KK-1 and Bifidobacterium KK-2.*"

Furthermore, the section of Shibata relied upon by the Examiner as disclosing lactic acid bacteria discloses *Bifidobacterium* metabolizing ginsenoside Rb-1 to compound K. However, this section of Shibata does not disclose fermenting ginsenoside Rb-1 with *Bifidobacterium KK-1 and KK-2.* Therefore, Shibata does not disclose "*subsequently fermenting the organic extract with lactic-acid bacteria Bifidobacterium KK-1 and Bifidobacterium KK-2.*"

Therefore, none of Sobona, Okawa, Chin and/or Shibata disclose "*subsequently fermenting the organic extract with lactic-acid bacteria Bifidobacterium KK-1 and Bifidobacterium KK-2.*"

Furthermore, none of Sobona, Okawa, Chin and/or Shibata disclose using a ginseng extract to prevent or treat a stroke. Therefore, these references, either singly or in combination do not disclose “wherein the organic extract is subsequently used for preventing or treating a stroke.” The serial treatment of ginseng as claimed in claim 1 shows substantial enhanced pharmacological effects, especially in the area of brain stroke prevention as described in paragraphs [0080]-[0086] and Figure 1 of the specification.


Thus, the cited art fails to teach or suggest all of the limitations of independent claim 1. Claim 2 depends from claim 1. Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

Applicants respectfully submit that the pending claims overcome the applicable rejections. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,
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